

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v.

NARCISO CASTILLO,
Defendant

CRIM. NO. 17-042 (PAD)

UNITED STATES' SENTENCING MEMORANDUM

TO THE HONORABLE COURT:

The United States of America, by and through the undersigned attorneys, very respectfully states and prays as follows:

I. INTRODUCTION

On June 23, 2017 defendant Narciso Castillo pled guilty to the One-Count of the Indictment (Reentry of Removed Aliens), in violation of Title 8, *United States Code*, Section 1326(b)(1), by way of a straight plea.

The United States agrees with the Probation Officer's calculation of the sentencing guidelines as contained in the Presentence Report (DE No. 21) and, in consequence, it respectfully submits that a sentence within the applicable guidelines of a Total Offense Level (TOL) of 6 (0-6) followed by a Term of Supervised Release of 1 year, as required by law, is sufficient but not greater than necessary and would address the seriousness of the offense and would achieve the necessary deterrence.

II. FACTUAL BACKGROUND

On January 21, 2017, a United States Coast Guard (USCG) Cutter intercepted a 28-foot yawl-type-vessel, at 35 nautical miles NW of Aguadilla, Puerto Rico, containing thirty-eight (38) people.

The Coast Guard entered all thirty-eight (38) individuals' biometric data into criminal and immigration databases –and eighteen (18) of the passengers came back positive with prior criminal and immigration history.

On January 23, 2017, the eighteen subjects with prior immigration and criminal history were transferred to Border Patrol Agents. All individuals admitted to being citizens and nationals of the Dominican Republic and that they did not have immigration documents to enter or remain in the United States legally, including Narciso Castillo.

On September 3, 2003, Castillo was sentenced to time served for a conviction for possession of a Class A drug. On March 13, 2006, Castillo was sentenced to five months after a guilty plea to Title 8, *United States Code*, Section 1326(a).

PENALTIES

The maximum penalties for **COUNT ONE** include a term of imprisonment of ten (10) years; a term of supervised release of not more than three (3) years; and a fine not to exceed \$250,000.00.

WHEREFORE, the United States, very respectfully, submits that a sentence within the applicable guidelines of a Total Offense Level (TOL) of 6 (0-6), followed by a Term of Supervised Release of three (3) years, is sufficient but not greater than necessary and would address the seriousness of the offense and would achieve the necessary deterrence.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of August 2017.

ROSA EMILIA RODRIGUEZ-VÉLEZ
United States Attorney

s/ Cristina Caraballo-Colón
CRISTINA CARABALLO-COLÓN
USDC-PR No. 300508
Special Assistant U.S. Attorney
Torre Chardón, Suite 1201
350 Carlos Chardón Street
San Juan, Puerto Rico 00918
Telephone: (787) 766-5656
cristina.caraballo@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for the defendant.

s/ Cristina Caraballo-Colon
CRISTINA CARABALLO-COLÓN
USDC-PR No. 300508
Special Assistant United States Attorney